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12 and Christy Tinney

13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA

16 TRAVELERS CASUALTY AND
17 SURETY COMPANY OF AMERICA,

18 Plaintiff,

19 v.

20 TINNEY CONSTRUCTION
CORPORATION, AIDAN TINNEY,
21 CHRISTY TINNEY,

22 Defendant.

CASE NO. C 05 1417

STIPULATION RE CASE STATUS

23 Plaintiff Travelers Casualty and Surety Company of America (“Travelers”) and defendants
24 Tinney Construction Corporation, Aidan Tinney, and Christy Tinney (collectively the
25 “Defendants”)(Travelers and Defendants are hereinafter collectively referred to as the “Parties”),
26 respectfully advise this Court as to the status of this matter and stipulate as follows:

27 1. At the January 13, 2006 case management conference in this matter, this Court ordered the
28 Parties to mediation prior to the deadline for filing summary judgment motions(i.e., before

February 17, 2006). At that time, the Parties were instructed by the Court to await contact from the Court's ADR Department for scheduling the mediation. The Court's order in this regard instructed the parties to complete mediation, not referencing whether that mediation was to be conducted through the Court's ADR Department or, alternatively, private mediation.

2. After not receiving any communication from the Court's ADR Department, counsel for Travelers contacted the ADR Department in early February, 2006. At that time, the ADR Department notified counsel that it had not received the necessary "referral documents" for scheduling this matter for mediation. The ADR Department further notified counsel for Travelers that it was unable to schedule a mediation prior to the February 17, 2006 deadline for concluding same.

3. In response to the ADR Department's unavailability, and in order to comply with this Court's order to mediation, the Parties agreed to participate in a private mediation, which mediation was held on February 14, 2006. The Court's ADR Department was informed of the Parties' intent to privately mediate the matter. During the mediation, the Parties agreed to a settlement of all disputes in the instant litigation, and the Parties executed a written settlement agreement memorializing their settlement.

4. The Parties are in the process of finalizing the terms of the settlement agreement, including the preparation of documents which secure the obligations therein. The Parties intend to file the necessary notices with this Court upon finalization of the settlement documents. Accordingly, the Parties stipulate and respectfully request that the Court vacate the April 17, 2006 trial date in this matter, as the Parties will be filing in the immediate future (but in any event no later than April 17, 2006) a stipulation and proposed order of dismissal, wherein the Court will retain jurisdiction for purposes of enforcing the Parties' written settlement agreement if necessary.

DATED: March 21, 2006

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: /s/ Jennifer R. Beierle

Jennifer R. Beierle

Attorneys for Plaintiff

Travelers Casualty and Surety Company of America

DATED: March 21, 2006

MILLER, MORTON, CAILLAT & NEVIS LLP

By: /s/ Stevan Adelman

Stevan Adelman

Attorneys for Defendants

Tinney Construction Corporation, Aidan Tinney and
Christy Tinney

SIGNATURE ATTESTATION: I, Jennifer R. Beierle, counsel for plaintiff Travelers Casualty and Surety Company of America, attest that concurrence in the filing of this document has been obtained by Stevan Adelman, Esq., counsel for defendants Tinney Construction Corporation, Aidan Tinney and Christy Tinney as set forth above.

By: /s/ Jennifer R. Beierle

Jennifer R. Beierle

Attorneys for Plaintiff

Travelers Casualty and Surety Company of America

